THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28521 OF 1997

Dated 7th March 2007

Between:

P.Patnana Appala Naidu & othes

…Petitioners

and

The Mandal Revenue Officer,
Palakonda, Srikakulam District.

…Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.28521 OF 1997

O R D E R:

The land in Sy.No.150-1 and 150-4 of Pedakotipalli village, Palakonda Mandal of Srikakulam District, admeasuring Acs.5-00, was originally assigned to one Gollapudi Chandramma. Her husband died, while in active service, in the Royal Indian Navy, in the year 1943. After enjoying the land for about 28 years, Chandramma is said to have sold the land to the father of the

2nd petitioner and others, in the year 1971.

The grievance of the petitioners is that one after the other incumbents, in the office of the respondent, are treating the land in the said survey numbers, as the assigned land, as defined under the A.P. Assigned Lands (Prohibition of Alienation) Act 9 of 1977 (for short "the Act"), and are issuing notices for resumption of the same. One such

notice is said to be issued on 1.12.1996. Petitioners contend that enquiry was conducted on 19.5.1997. It is contended that without passing any order, on the basis of the show-cause notice, the respondent is threatening to dispossess the petitioners and resume the land to the Government.

No counter affidavit is filed by the respondent.

Heard MS. B.Bharathi, learned counsel appearing for Sri P.Sri Raghuram, learned counsel for the petitioners, and learned Government Pleader for Revenue.

The Act was enacted to prohibit alienation of lands assigned to landless poor. The definition of the relevant words and the purport of Section 3 of the Act, are very clear, on this aspect. In other words, the prohibition is not absolute, as regards all assigned lands. What is prohibited is the alienation of lands assigned to landless poor. In the instant case, the original assignment was to the widow of a member of Royal Indian Navy, who died while in service. It does not answer the description of 'assignment to landless poor'. Further, the Government issued clarification, through various orders, to the effect that the lands assigned to ex-servicemen, or widows of the members of Armed Forces, can be alienated, after expiry of 10 years, from the date of assignment. The alienation, in favour of the petitioners, took place in the year 1971, and the original assignment in favour of Chandramma was in the year 1943. Viewed from any angle, the lands in Sy.Nos.150-1 and 150-4, assigned to the predecessor in title of the petitioners, cannot be dealt with, under the provisions of the Act.

Hence, the writ petition is allowed as prayed for. There shall be no order as to costs.

7th March 2007

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